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2  
3 BILL NO. G-80-08-12

4  
5 GENERAL ORDINANCE NO. G 22-82

6 AN ORDINANCE amending Chapter 24 of the Code  
7 of the City of Fort Wayne, Indiana of 1974.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
9 INDIANA:

10  
11 SECTION 1. That Chapter 24 of the Municipal Code of the City of Fort  
12 Wayne of 1974 is hereby amended to be and read as follows, to-wit:

13  
14 (CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974)

15 CHAPTER 24

16 SEWERS AND SEWERAGE SYSTEM

17  
18 Article I. General

19  
20 Sec. 24-1. Definitions.

21 Unless the context specifically indicates otherwise, the meanings of the  
22 followings terms as used in this Chapter and as used in the rules and regula-  
23 tions adopted by the Board of Public Works implementing the provisions of  
24 this Chapter are as set out below respectively:

25  
26 -101. "Act": the Federal Water Pollution Control Act, also known as  
27 "The Clean Water Act," as amended, 33 U.S.C. 466, as referred  
28 to at I.C. 13-1-4-1.

29  
30 -102. "Biochemical Oxygen Demand" (for BOD) of sewage, sewage efflu-  
31 ent, polluted waters or industrial wastes: the quantity of  
32 dissolved oxygen in milligrams per liter required during

stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see paragraph 136 below).

-103. "Building (or House) Drain": that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point outside the foundation wall of the building.

-104. "Building (or House) Drain Connection": the point where the building (or House) sewer is connected to the building drain at a location usually approximately three (3) feet outside the foundation wall of the building.

-105. "Building (or House) Sewer Connection": the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:

a. Where a break-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the joint shall be considered a part of the building sewer;

b. Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the joint thereto shall be considered a part of the building sewer.

- 106. "Building (or House) Sewer": the pipe which is connected to the building (or House) drain at a point outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other places of disposal.
- 107. "Bulk Wastes": any containerized waste which may be transported.
- 108. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes: a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
- 109. "City": the City of Fort Wayne, Indiana.
- 110. "Classification of Users":
- 110.1 "Domestic Class User": a user discharging normal domestic sewage, as hereinafter defined, into the system.
- 110.2 "Industrial Class User": any user falling within Division A, B, D, E, or I as described in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as currently amended and supplemented, a copy of which is on file in the Office of the Sewer Engineer. A user described in the

divisions listed therein may be excluded if it is determined by the City that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in this class of customer because of production of excess strength waste or toxics in excess of limits described hereafter.

-111. "Dwelling": a building or a portion thereof under one roof used primarily for the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.

-112. "Effluent": the water, together with any wastes that may be present, flowing out of a drain, sewer receptacle or outlet.

-113. "Emergency": an unforeseen combination of circumstances or a combination of unforeseen circumstances which require an immediate remedy. Said emergency shall be declared by the Common Council and shall be limited to a specific time period.

-114. "Garbage": any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.

-115. "Ground Garbage": garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in any dimension.

3 -116. "Industrial Wastes": any solid, liquid or gaseous substance  
4 or form of energy discharged, permitted to flow or escape from  
5 an industrial, manufacturing, commercial or business operation  
6 or process or from the development, recovery or processing of  
7 any natural resource carried on by any person.  
8

9 -117. "Influent": the water, together with any wastes that may be  
10 present, flowing into a drain, sewer, receptacle or outlet.  
11

12 -118. "Major Industrial User": a user of the city-owned treatment  
13 works that: (a) has a flow of 50,000 gallons of water or more  
14 per average work day; (b) has a flow of waste greater than 5%  
15 of the flow carried by the part of the city system receiving  
16 the waste; (c) has in its waste, a toxic pollutant in amounts  
17 as defined in standards issued under Section 307(a) of the  
18 Federal Act; or (d) is found by the Indiana Stream Pollution  
19 Control Board, in connection with the issuance of the NPDES  
20 Permit to the city-owned treatment works receiving the waste,  
21 to have significant impact whether singularly or in combina-  
22 tion with other contributing industries, on that treatment  
23 works or upon the quality of effluent from that treatment  
24 works.  
25

26 -119. "Normal Domestic Sewage": (for the purpose of determining  
27 eligibility for payment of surcharge): sewage having an aver-  
28 age daily suspended solids concentration of not more than 250  
29 milligrams per liter, an average daily BOD of not more than  
30 220 milligrams per liter, and an average daily phosphorus  
31 concentration of not more than 10 milligrams per liter.  
32

-120. "NPDES Permit": a National Pollutant Discharge Elimination System Permit issued by the Indiana Stream Pollution Control Board for Discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.

-121. "Operation and Maintenance Costs": all costs direct and indirect, other than debt service including replacement cost as defined in paragraph 126, necessary to insure adequate waste water treatment on a continuing basis conforming with federal, state and local requirements and to insure optimal long-term facilities management.

-122. "Outlet": any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any water-course, pond, ditch, lake or other body of surface or ground water.

-123. "Person": every individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency and other legal unit or entity.

-124. "pH": the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in grams per liter of solution.

-125. "Pollutants":

125.1 "Compatible Pollutants": waste containing biochemical oxygen demand, suspended solids pH and fecal coliform bacteria.



125.2 "Incompatible Pollutants": waste with any pollutant that is not a compatible pollutant.

-126. "Receiving Stream": the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

-127. "Replacement Cost": that cost stated in current monetary values as an operating cost which represents and measures the day-to-day consumption and attrition of physical assets in rendering service to users.

-128. "Sanitary Sewage": sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels and hotels, lodging or boarding houses, office buildings, factories or institutions and free from storm waters, surface water and industrial wastes.

-129. "Service Charge": the basic assessment levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values for above which a strength-of-wastes surcharge will be made.

-130. "Sewage": the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

-131. "Sewage Treatment Plant" or "Water Pollution Control Plant": the arrangement of devices, structures and equipment used for

treating and disposing of sewage and sludge.

-132. "Sewage Utility" or "Water Pollution Control Works": all facilities and systems for collecting, transporting, pumping, treating and disposing of sewage and sludge, including the sewerage system and the sewage treatment plant, whether or not in active use.

-133. "Sewer": a pipe or conduit for carrying sewage and other waste liquids.

133.1 "Combined Sewer" or "Combination Sewer": a sewer which carries storm, surface and groundwater runoff as well as sewage.

133.2 "Public Sewer": a sewer to the use of which all owners of abutting property have equal rights and which is controlled and maintained by the City or other public authority.

133.3 "Sanitary Sewer": a sewer which carries sewage and to which storm, surface and groundwaters and unpolluted industrial waste waters are not intentionally admitted.

133.4 "Storm Sewer": a sewer which carries storm, surface and groundwater drainage but excludes sewage.

-134. "Sewer Engineer": the Chief Sewer Engineer of the City of his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer."



- 2
- 3 -135. "Sewerage System": the network of sewers and appurtenances
- 4 used for collecting, transporting and pumping sewage to the
- 5 Sewage Treatment Plant.
- 6
- 7 -136. "Shall" means mandatory; "may" means permissible.
- 8
- 9 -137. "Standard Methods": the examination and analytical procedures
- 10 set forth in the most recent edition of "Standard Methods for
- 11 the Examination of Water and Wastewater," published jointly by
- 12 the American Water Works Association and the Water Pollution
- 13 Control Federation, a copy of which is on file in the Office
- 14 of the Superintendent.
- 15
- 16 -138. "Strength-of-Wastes Surcharge": the additional charges for
- 17 sewage service collected from users discharging sewage into
- 18 the system having a strength measurement in excess of the
- 19 limits imposed by the provisions of this Chapter.
- 20
- 21 -139. "Superintendent": the Superintendent of the Sewage Treatment
- 22 Plant (Water Pollution Control Plant) of the City, or his duly
- 23 authorized representative.
- 24
- 25 -140. "Suspended Solids": solids which either float on the surface
- 26 of or are in suspension in water, sewage or other liquid and
- 27 which are removable by laboratory filtration. Their concen-
- 28 tration is expressed in milligrams per liter. Quantitative
- 29 determinations are made in accordance with procedures set
- 30 forth in "Standard Methods."
- 31
- 32 -141. "Waste Surveillance Charge": a monthly charge collected from

users qualifying as industrial calss users to defray the cost of evaluating customer's waste by metering and laboratory devices and/or any other methods deemed necessary. Said charges are set forth in Article VII and are subject to review annually as provided in Section 24-32.

-142. "Watercourse": a channel in which a flow of water occurs either continuously or intermittently.

Sec. 24-2. Rules and Regulations - Board of Works Authority:

The Board of Public Works of the City shall, in accordance with the Statutes of Indiana, and subject to the provisions and requirements of this Chapter, make and enforce appropriate rules and regulations for the safe, economical and efficient management and operation of the City's Sewage Utility, for the construction and use of sewers, building sewers, and appurtenances and connections to the sewerage system; for the regulation, collection and refunding of the rates and charges for sewerage service; and for the implementation of the provisions of this Chapter.

Sec. 24-3. Requirements for Connection to Public Sewers.

(a) No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from city and until he has satisfied his obligation to pay all assessments, reimbursements and pro rata shares of sewer extension costs laid against that property for public sewers which serve it. A tap permit given in error shall not operate to nullify any such obligation that has been duly recorded, nor estop the City from charging and collecting such costs at any subsequent time.

(b) Tap permits shall be obtained from the City's Sewer Permit Office and shall be issued only to licensed sewer tap contractors, who

1 Page 11

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3 shall pay to the Sewage Utility a fee of thirty-five (\$35.00) dollars for  
4 each tap permit for a standard six-inch service, a fee of seventy (\$70.00)  
5 dollars for each tap permit for a special six-inch service and a fee of  
6 seventy (\$70.00) dollars for each tap permit for a service larger than six  
7 inches. Not later than 48 hours after making each sewer tap and building the  
8 sewer installation, the tap contractor shall notify the Sewer Engineer  
9 thereof in writing.  
10

11 (c) The Board of Public Works shall have the authority to  
12 require an owner of real property to disconnect any downspouts, yard drains  
13 or other drains which carry the runoff of natural precipitation from a build-  
14 ing sewer which drains into a sanitary sewer. Property owners shall have  
15 thirty (30) days after notice thereof to comply with any such requirement.  
16

17 (d) A new connection may be made for a city sewer or sewers  
18 connected to the city system only after there has been adequate assurance by  
19 City that the downstream facilities of the sewage works have adequate capa-  
20 city to handle the new waste loadings.  
21

22 (e) No person shall connect any roof downspout, exterior  
23 foundation drain, or other source of surface runoff or groundwater to a  
24 building sewer or building drain which is connected directly or indirectly,  
25 to a sanitary sewer of the City.  
26

27 Sec. 24-4. Extensions of Sewers Outside Corporate Limits.

28 The installation, construction or extension of sewers by the City outside the  
29 corporate limits of the City and the connection or extension of sewers into  
30 the City's sewage system from, by, to, or for properties located outside such  
31 limits is prohibited, except with the approval of the Common Council of the  
32 City by duly enacted ordinance, provided that an ordinance ratifying a con-

2  
3 tract for such construction and connection, shall be deemed to constitute  
4 such approval.  
5

6 Sec. 24-5. Connections to Sewerage System by Certain Out-Of-City Properties.

7 Notwithstanding the provisions of Sec. 24-4, the Board of Public Works shall  
8 have the authority to permit a property located outside the corporate limits  
9 of the City to connect to an existing sewer which is part of the City's  
10 sewerage system, when the property abuts, adjoins or is immediately con-  
11 tiguous to the street, alley or easement in which such sewer is located and  
12 provided the property owner or occupant has complied with the requirements  
13 prescribed by Sec. 24-3 of this Chapter.  
14

15 Sec. 24-6. Penalty for Violations.

16 Any person who violates or fails to comply with any provision of this Chapter  
17 shall, upon conviction thereof, be fined not less than \$100.00 nor more than  
18 \$500.00 per offense. Each day that the violation continues shall constitute  
19 a separate offense.  
20

21 Sec. 24-7. Enforcement.

22 The provisions of this Chapter shall be enforced by the Superintendent of the  
23 Water Pollution Control Plant and such deputies as he, with the approval of  
24 the Board of Works, may appoint for such purposes. Whenever said Superinten-  
25 dent or any such deputy shall deem it appropriate to charge a person with  
26 violation of this Chapter, he shall issue to such person a Notice of Viola-  
27 tion, or Summons, which shall be processed according to the provisions in  
28 Indiana Code (1971) 18-5-12.5-1 thru 4.  
29

30 Sec. 24-8. Prohibited Damage to City Property.

31 It shall be unlawful for any unauthorized person, firm, or corporation to  
32 maliciously, willfully, or negligently break, damage, destroy, remove,

2  
3 deface, or tamper with any structure, appurtenance, or equipment which is  
4 part of or belongs to the Water Pollution Control Plant of the City.  
5

6 Article II. Prohibited Industrial Discharges  
7

8 Sec. 24-9. Prohibitions and Limitations.

9 Except as hereinafter provided, no person shall discharge or cause or permit  
10 to be discharged into any public sewer any of the following described sub-  
11 stances, wastes or waters:  
12

- 13 -101. Any liquid or vapor having a temperature greater than 140°  
14 Fahrenheit.  
15
- 16 -102. Any waters or wastes containing more than 100 milligrams per  
17 liter of fats, oils, greases or waxes.  
18
- 19 -103. Any gasoline, benzene, naphtha, fuel oil or mineral oil or any  
20 other flammable or explosive liquid, solid or gas.  
21
- 22 -104. Any noxious or malodorous gas or substance which, either alone  
23 or by interaction with other wastes, is capable of creating a  
24 public nuisance or hazard to life or of preventing entry into  
25 sewers for their maintenance and repair.  
26
- 27 -105. Any garbage that has not been properly ground.  
28
- 29 -106. Any ashes, cinders, sand, mud, straw, shavings, wood, metal,  
30 glass, rags, feathers, tar, plastics, paunch manure, butchers'  
31 offal or any other solid or viscous substances capable of  
32 causing obstruction to the flow in sewers or other interfer-

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3                   ence with the proper operation of the sewerage system or the  
4                   Sewage Treatment Plant.

5  
6           -107.           Any waters or wastes having a pH lower than 6 or higher than  
7                   10, or having any other corrosive property capable of causing  
8                   damage or posing hazards to the structures, equipment or per-  
9                   sonnel of the Sewage Utility.

10  
11           -108.           Any waters or wastes containing toxic substances, as defined  
12                   under Section 307(b) and (c) of the Clean Water Act in suffi-  
13                   cient quantity to interfere with the biological processes of  
14                   the Sewage Treatment Plant or that will pass through the Plant  
15                   into the receiving stream in amounts exceeding the standards  
16                   set by federal, interstate, state, or other competent author-  
17                   ity having jurisdiction, or will prevent the disposal of the  
18                   sludges by the Plant in accordance with Section 405 of said  
19                   Act.

20  
21           -109.           Any toxic radioactive isotopes, without a special permit. The  
22                   radioactive isotopes I 131 and P 32 used in hospitals are not  
23                   prohibited, if they are properly diluted beofre being dis-  
24                   charged into the sewerage system, as further defined in Rules  
25                   and Regulations.

26  
27           -110.           Any waters or wastes that for a duration of 15 minutes or more  
28                   have a concentration more than 5 times the average concentra-  
29                   tion of the BOD or the suspended solids of the user's sewage  
30                   discharged during a twenty-four hour period of normal opera-  
31                   tion.



- 111. Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.
- 112. Any waters or wastes containing incompatible pollutants as defined herein.
- 113. Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Water Pollution Control Plant, that will pass through the plant into the receiving waters, or accumulate in the sludges in an amount exceeding the standards set forth by any federal, state, interstate or other competent authority having jurisdiction. Specifically excluded are any waters or wastes containing toxic ions, compounds or substances in concentrations or amounts exceeding the limitations set forth by the Board of Public Works and published in the General Rules and Regulations.
- 114. Any bulk waste, either industrial or domestic, without prior approval, in writing, from the Superintendent.
- 115. The City reserves the right to refuse connection of any prospective user in the event the sewage service requirements of said user, in the judgement of the Superintendent could impose an excessive burden upon the utility. The City further reserves the right in the event of an emergency, to restrict the allowable discharge received from any or all large system users during the time of such emergency.

2  
3 Sec. 24-10. Responsibility for Obstructing or Damaging Sewers.

4 If a public sewer becomes obstructed or damaged because any of the aforemen-  
5 tioned substances were improperly discharged, the person or persons respon-  
6 sible for such discharge shall reimburse the City for the expenses incurred  
7 by the City for cleaning out, repairing or rebuilding the sewer.  
8

9 Sec. 24-11. Special Agreements.

10 Notwithstanding any other provisions of this Chapter, the City may enter into  
11 a special agreement or arrangement between the City and any person whereby an  
12 industrial waste of unusual strength or character may be accepted by the City  
13 for treatment either with or without pretreatment, provided there is no  
14 impairment of the functioning of the Sewage Utility by reason of the admis-  
15 sion of such wastes and no extra costs are incurred by the City without  
16 recompense by such person.  
17

18 Article III. Permitted Commercial and Industrial Wastes

19  
20 Sec. 24-12. Prior Approval for Certain Wastes.

21 Review and acceptance by the Superintendent shall be obtained prior to the  
22 discharge into the public sewers by any industrial class customer of sewage  
23 whose wastes have:  
24

25 -101. A BOD greater than 300 milligrams per liter or COD greater  
26 than 600 milligrams per liter when BOD cannot be measured or  
27 when COD measurements result in a higher charge.  
28

29 -102. A suspended solids content greater than 300 milligrams per  
30 liter.  
31

32 -103. A phosphorus content greater than 10 milligrams per liter.

-104. Other contaminants which from their nature or quantity (a) will interfere with the operation of the Sewage Utility, including interference with its use or disposal of sludge; (b) will pass through the treatment works or otherwise be incompatible with such works; (c) will prevent the reclamation and/or recycling of municipal or industrial wastewaters and sludges.

Sec. 24-13. Pretreatment Facilities: - in General.

When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.

Sec. 24-14. Pretreatment Facilities: - Prior Approval.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the Superintendent, with the approval of the Board of Public Works, has given his written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. The approval of proposed facilities or equipment by the City does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

2  
3 Sec. 24-15. Pretreatment Facilities: - Operation.

4 Where such preliminary treatment facilities are provided, they shall be main-  
5 tained continuously in satisfactory and effective operating condition by the  
6 person at his own expense and shall be subject to periodic inspection by the  
7 City. The person shall maintain suitable operating records which shall be  
8 reasonably open to inspection by the City, and shall submit to the Superin-  
9 tendent such monthly summary reports of the character of the influent and  
10 effluent as the Superintendent may require.  
11

12 Sec. 24-16. Grease and Sand Traps.

13 Whenever the Superintendent determines that the interceptors or traps are  
14 needed to protect the sewerage system or the operations of the Sewage Treat-  
15 ment Plant from grease, oil, sand or similar substances occurring in a user's  
16 sewage and so notifies the user, then such traps shall be promptly installed  
17 by the user on his own lines at his own expense and shall be so maintained by  
18 him that none of such substance can be carried over into the public sewers.  
19 All traps shall meet the City's standards as to construction, location and  
20 installation.  
21

22 Article IV. Control of Admissible Industrial Wastes

23  
24 Sec. 24-17. Submission of Data on Industrial Wastes.

25 (a) Any person who discharges industrial wastes into the  
26 City's sewerage system, either directly or indirectly, shall upon the written  
27 request of the Superintendent forthwith fill out and file with the Superin-  
28 tendent an Industrial Waste Questionnaire, the form for which will be fur-  
29 nished by the City, in which he shall set out the quantity and characteris-  
30 tics of the wastes discharged into the City's sewerage system. Any person  
31 desiring to establish a new connection to a public sewer for the purpose of  
32 discharging industrial wastes shall first fill out and file such a question-  
naire, which shall set out actual or predicted data relating to the quantity

2  
3 and characteristics of the wastes to be discharged.  
4

5 (b) When special circumstances such as the size or complexity  
6 of his sewage disposal problem would make complying with the time schedule  
7 cited above an unreasonable burden on the person, an extension of time, not  
8 to exceed ninety days, may be granted by the Superintendent upon presentation  
9 of a proper application.  
10

11 Sec. 24-18. Control Manholes.

12 Any person who discharges or may discharge industrial waste into a public  
13 sewer via any means such as floor drains, sinks, catch basins, etc., shall be  
14 required by the Superintendent to construct and maintain at his own expense  
15 one or more control manholes, at a specified location or locations, to  
16 facilitate the observation, measurement and sampling of his wastes. Such  
17 manholes shall be constructed in accordance with the standards and specifica-  
18 tions of the City. The Superintendent may also require the person to install  
19 and maintain in any such manhole at said person's expense an approved volume-  
20 measuring device providing said person may be classified as a major indus-  
21 trial user. Plans for the installation of control manholes and related  
22 equipment must be approved by the Superintendent before construction is  
23 begun.  
24

25 Sec. 24-19. Waste Sampling.

26 (a) Any industrial wastes discharged into the public sewers  
27 shall be subject to periodic inspection and determination of character and  
28 concentration. The examination shall be made as often as the Superintendent  
29 deems it appropriate and may include the use of suitable continuously moni-  
30 toring instruments in appropriate cases. Samples shall be collected either  
31 manually or by approved mechanical devices and in such a manner as to be  
32 representative of the overall composition of the wastes.



3 (b) The installation, operation, and maintenance of sampling  
4 facilities shall be the responsibility of the person discharging the wastes  
5 and shall be subject to the approval of the Superintendent. Access to the  
6 sampling facilities shall be granted at all times to the Superintendent.  
7

8 (c) Where a person's operations have security measures in  
9 force which require proper identification and clearance before entry onto  
10 said person's property is granted, such person or persons shall make the  
11 necessary arrangements with their security guards that upon showing proper  
12 identification personnel from the City will be permitted to enter, without  
13 delay for the purpose of obtaining samples of wastes or monitoring of wastes  
14 being discharged at various sampling points or the person or persons shall  
15 install suitable sampling manholes outside of security limits, which at all  
16 times be immediately available to City personnel.  
17

18 Sec. 24-20. Waste Analyses Procedures and Charges.

19 Laboratory procedures used in the examination of industrial wastes shall be  
20 those set forth in "Standard Methods" or "Guidelines Establishing Test Proce-  
21 dures for Analysis of Pollutants," as set forth in the Code of Federal  
22 Regulations 40 CFR 136.  
23

24 a) Charges to Users

25 Alternative methods for certain analyses of industrial wastes  
26 may be used subject to mutual agreement between the Superintendent and the  
27 User. In the event of a dispute between the Superintendent and the User as  
28 to the characteristic, strength, toxic nature or other particulars of the  
29 sample taken and analyzed by the City, either party may request that the  
30 sample in dispute be analyzed by a mutually acceptable referee whose charges  
31 shall be paid by the party requesting the analysis. Analyses made by the  
32 City at the request of the User, shall be charged to the User according to



2  
3 the Utility's standard work order billing procedure. All such analyses shall  
4 be binding in determining strength-of-waste surcharges and other matters  
5 dependent upon the character and concentration of wastes.  
6

7 b) Charges to Governmental Agencies

8 Analyses run by the Water Pollution Control Plant Laboratory  
9 for any governmental agency, or political sub-divisions fo a City, County or  
10 State shall be billed to such agency or sub-division for direct labor and  
11 expenses according to the Utilities standard work order billing procedure.  
12 Analyses run for other agencies shall not have priority over the regular  
13 Water Pollution Control Plant analyses unless in the judgement of the Super-  
14 intendent the urgency of the analysis should have such priority.  
15

16 c) Charges Collected

17 All waste analysis charges collected under Section 24-20 (a)  
18 and (b) above shall be recorded as credits to the operating costs of the  
19 Water Pollution Control Plant and a quarterly accounting thereof shall be  
20 forwarded to the Superintendent. All such charges are to be used to defray  
21 the operations and maintenance expenses incurred by the Water Pollution  
22 Control Plant in performing said analyses.  
23

24 Sec. 24-21. Use of Representative Analysis.

25 Until an adequate analysis of a representative sample of user's wastes has  
26 been obtained, the City may, for the purpose of this Chapter, make a deter-  
27 mination of the character and concentration of his wastes by using data based  
28 on analyses of similar processes or data for his type of business that are  
29 available from the United States Environmental Protection Agency or from  
30 industry-recognized authoritative sources. This method, if selected by the  
31 City, shall continue at the City's pleasure or until an adequate analysis has  
32 been made.

4 Article V. Service Charges Based on Water Usage.

5 Sec. 24-22. Water Obtained from the City's Water Utility

6 The charges made for sewerage service rendered to each lot, parcel of real  
7 estate or building having any connection with the City's sewerage system or  
8 otherwise discharging sewage into the system, either directly or indirectly,  
9 shall be based upon the quantity of water presumed to enter the public sewers  
10 after being used in or on the property, as the quantity is measured by the  
11 water meter or meters there in use by the City's Water Utility, except as  
12 herein otherwise provided.  
13

14 Sec. 24-23. Water Obtained from Other Sources.

15 Where the property obtains any part or all of the water used from sources  
16 other than the City's Water Utility, the owner or the tenant may be required  
17 by the City to install and maintain at his own expense a meter or meters  
18 acceptable to the City for the quantity of water obtained from these other  
19 sources, or the City may determine the quantity of such water by whatever  
20 means and methods it may find practicable.  
21

22 Sec. 24-24. Exempt Water - General

23 Where a significant portion of the metered water does not and cannot enter  
24 the sewerage system, either directly or indirectly, the person having charge  
25 of the property may request permission from the City to install at his own  
26 expense either an approved meter or meters to determine the quantity of water  
27 that cannot enter the sewerage system or an approved sewage-measuring device  
28 or devices to determine the volume of sewage that actually enters the sewer-  
29 age system; when appropriate, the City reserves the right to determine by  
30 whatever other means and methods it may find practicable the percentage of  
31 the property's metered water that enters the sewerage system. In any case  
32 the service charge shall be based on the quantity of water that can or

actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

Sec. 24-25. Metering of Sewage.

The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such service, once installed, shall be removed without the City's approval.

Sec. 24-26. Exempt Water Sprinkling.

A residential water consumer shall be billed for sewage service beginning with the billing of District 19 on or about July 1 and ending with the billing District 17 on or about October 1, as follows: The monthly sewage charge shall be the lesser of a charge based on the actual or estimated water consumption or a charge based on twice the consumer's average monthly consumption during the prior bi-monthly meter reading period. This bi-monthly period begins with the reading or estimating of District 19 on or about March 15. A new account without a bi-monthly meter reading period prior to the exempt water sprinkling period shall be billed the lesser of a charge based on the actual (or estimated water consumption) or a charge based on twice the minimum sewage rate during the sprinkling period. A water consumer without an actual read at the end of the exempt water sprinkling period shall be allowed a sewer credit based on an average monthly usage as computed from the date of the Utilities' last actual read to the date of the Utilities' actual read made after the end of the exempt water sprinkling period. In no case, shall the sewage charge be less than the minimum for the water meter size installed. The provisions of this section shall not apply to any residential water consumers who use any part of their water for any commercial or industrial purpose.

Article VI. User Charges

Sec. 24-27. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

- Service Charge (cents per 100 cu. ft.)

	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	18.74	18.74
Conveyance, Collection, Billing	18.23	11.88
Capital	<u>11.73</u>	<u>8.88</u>
Total User Charge	48.70	39.50

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27 does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.43
1 - 1 1/2"	8.58
2"	17.51
3"	35.18
4"	58.48
6" or larger	162.44

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Dwelling	\$ 4.87	\$ 5.84
Domestic User - Multi Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Estimates of monthly flat charges for multi-family dwellings shall be based on the number of family units accomodated by the system multiplied by the single family dwelling monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based upon outfall measurements where available.

Sec. 24-30. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

(a)	<u>Volume Charge (cents per 100 cu. ft.)</u>	
	Treatment	18.74
	Capital Charge	11.76
		30.50

(b) Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

(c) Flat Charge.

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.55 and a monthly surveillance charge of \$82.20.

(d) Excess Strength of Wastes Surcharge.

In the event a contract customer contributes waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	3.931
Biochemical Oxygen Demand - (BOD)	3.926
Phosphorus - (P)	37.619

(e) Capital Surcharge.

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

(f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into



by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1). Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-31. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to plant - \$163.00 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$23.85 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-32. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in

2  
3 proportion to such user's contribution to the total waste loading of the  
4 treatment works. Factors such as strength, volume, and delivery flow charac-  
5 teristics shall be considered and included as the basis for the user's con-  
6 tribution to insure a proportional distribution of operation and maintenance  
7 and replacement costs to each user class.  
8

9 2. Total annual service charges and surcharges collected from each  
10 individual user class shall be deemed sufficient if said charges have gener-  
11 ated during the prior operating period sufficient revenue to offset the cost  
12 of all treatment works operation and maintenance provided by the Utility,  
13 including cost of management, system repair and replacement, debt retirement  
14 and other costs incidental to the Utility Operation attributable to such  
15 class.  
16

17 Article VII. Strength-of-Wastes Surcharge  
18

19 Sec. 24-33. Liability for Surcharge.

20 Each user discharging wastes into the sewerage system shall be subject to a  
21 strength-of-wastes surcharge, in addition to other sewage service charges  
22 imposed by this ordinance, based on the following minimum strength character-  
23 istics to the extent that such wastes are in:

- 24 a. Biochemical oxygen demand of 300 milligrams per liter.  
25 b. Chemical oxygen demand of 600 milligrams per liter.  
26 c. Suspended solids content of 300 milligrams per liter.  
27 d. Phosphorus content of 10 milligrams per liter.  
28

29 Sec. 24-34. Computation of Surcharge.

30 The surcharge shall be determined as follows:

- 31 a. The excess pounds of BOD or COD (whichever results in the higher  
32 charge) suspended solids, and phosphorus will each be computed by first

multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this produce by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed concentrations set out in Section 24-33. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 24-35. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 24-35. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents shall be as follows:

- |    |                                       |                           |
|----|---------------------------------------|---------------------------|
| a. | For biochemical oxygen demand - (BOD) | 3.931 cents<br>per pound  |
| b. | For suspended solids (SS)             | 3.926 cents<br>per pound  |
| c. | For phosphorus (P)                    | 37.619 cents<br>per pound |

Sec. 24-36. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$82.20 per discharge point.

Sec. 24-37. Revision of Rates of Surcharge.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD, suspended solids, and phosphorus from the Sewage Treatment Plant influent during the previous calendar year with the unit charges cur-

2  
3 rently in effect in order that the Board may determine whether the current  
4 rates of surcharge are adequate or should be changed and request legislative  
5 enactment of said changes by the Common Council.  
6

7 Article VIII. Billing of Service Charges  
8

9 Sec. 24-38. Billing Period.

10 Charges for sewerage service shall be prepared and billed by the General  
11 Office of the City Utilities along with the bills for water service and shall  
12 be payable at the General Office at the same time as the water bills.  
13

14 Sec. 24-39. Liability for Payment.

15 The charges for sewerage service shall be billed to the person being billed  
16 for water service unless, by contract with the Utility, another person  
17 assumes such responsibility. If a tenant is billed, the owner shall not  
18 thereby be relieved of liability in the event payment is not made by the  
19 tenant as herein required but such owner shall save City harmless from any  
20 loss due to the delinquency of his said tenant. Such owner shall have the  
21 right to examine the City's collection records to ascertain whether such  
22 charges have been paid and the amount thereof.  
23

24 Sec. 24-40. First Billings.

25 The rates, charges and surcharges fixed in this Chapter shall extend to and  
26 cover any additional premises hereafter served, without hearing or notice.  
27 If the first billing to a new user covers a period other than a full billing  
28 month, then the service charges for such billing shall be made in keeping  
29 with standard practice in the Water Utility. Subsequent sewerage service  
30 billings shall be for periods coinciding with the billing periods for water  
31 service. If such rates, charges and/or surcharges are changed, the first  
32 billing after such change may also be for a period other than a full billing

2  
3 month in order to keep the sewerage billing periods coincident with the water  
4 billing periods.

5  
6 Sec. 24-41. City Subject to Charges.

7 For sewerage service rendered to the City, or any department, structure or  
8 property, thereof, the City shall be subject to the same rates and charges  
9 herein established for other persons, or to rates and charges established in  
10 harmony herewith.

11  
12 Sec. 24-42. Consolidation of Accounts.

13 Where an industrial, commercial or other non-residential enterprise is oper-  
14 ating in a unified manufacturin or service area composed of two or more con-  
15 tiguous parcels of real estate and is supplied with water through two or more  
16 meters, upon application by the owner or his authorized agent, a consolida-  
17 tion of the water meter readings may be made for the purpose of calculating  
18 the sewerage service charge.

19  
20 Article IX. Delinquent Accounts

21  
22 Sec. 24-43. How Delinquencies Arise.

23 Charges for sewerage service levied pursuant to this ordinance shall be due  
24 and payable on or before the due dates shown on the bills. Any service  
25 charge not paid by the due date shown shall be considered delinquent. Such  
26 delinquent charge together with any applied penalty shall be collectible as  
27 hereinafter set forth.

28  
29 Sec. 24-44. Collection Through Shutting Off Water Service.

30 Where the property having a delinquent sewerage account is served by the  
31 City's Water Utility, the City may, after mailing a written notice at least  
32 ten days in advance to the water consumer and to the property owner, if iden-

2  
3 tifiable, shut off the water service to the property. The water service  
4 shall not be turned back on until the delinquent service charges and the  
5 costs of shutting off and turning on the water service have been paid.  
6

7 Sec. 24-45. Collection Through the Tax Duplicate.

8 As provided by the Statutes of Indiana, delinquent sewerage service charges  
9 may be made a lien against the property serviced through certification to the  
10 Auditor and to the Recorder of Allen County. In such case, the delinquent  
11 service charges together with a mandatory penalty of ten percent, shall be  
12 placed on the tax duplicate and be collected in the same manner as regular  
13 taxes and assessments are collected.  
14

15 Sec. 24-46. Collection Through Court Actions.

16 In addition to the foregoing remedies, the City has the right to bring a  
17 civil action to recover any delinquent charges together with a penalty of ten  
18 percent and a reasonable attorney's fees. It also has the right, as provided  
19 by the Statutes of Indiana, to foreclose any lien established under the  
20 provisions of paragraph 24-45, with recovery of the charge, a penalty of ten  
21 percent and reasonable attorney's fees.  
22

23 Article X. Accounting for Sewerage Service Charges

24  
25 Sec. 24-47. The City Controller shall establish and maintain, for as long as  
26 user charges and surcharges are collected under the rate schedule instituted  
27 herein, accounts for the Sewage Works Improvement Fund as required by prior  
28 ordinances relating to the issuance of sewage works revenue bonds now out-  
29 standing and further in accordance with the laws of the State of Indiana  
30 relative to the deposit and disbursement of public funds.  
31

32 SECTION 2. Severability. The invalidity of any section, sentence,  
clause, paragraph, part or provision of this Ordinance shall not affect the



1 Page 33

2  
3 validity of any other section, sentence, clause, paragraph, part or provision  
4 of this Ordinance which can be given meaning without such invalid part or  
5 parts.  
6

7 SECTION 3. All Ordinances or parts of Ordinances and sections of the  
8 Municipal Code of the City of Fort Wayne of 1974 in conflict herewith are  
9 hereby repealed.  
10

11 SECTION 4. That this Ordinance shall be in full force and effect  
12 from and after its passage, any and all necessary approval by the Mayor and  
13 due legal publication thereof.  
14

15  
16 

17 COUNCIL MEMBER  
18

19 APPROVED AS TO FORM

20 AND LEGALITY

21 

22  
23 BRUCE O. BOXBERGER, City Attorney  
24  
25  
26  
27  
28  
29  
30  
31  
32

Read the first time in full and on motion by Burns, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 24th, the August day of 1982, at 8 o'clock P.M., E.S.T.

DATE: 8-10-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~POST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>1</u>	<u>1</u>	<u>1</u>	
<u>BRADBURY</u>	<u>X</u>				
<u>BURNS</u>	<u>X</u>				
<u>EISBART</u>	<u>X</u>				
<u>GIAQUINTA</u>		<u>X</u>			
<u>SCRUGGS</u>			<u>X</u>		
<u>WICKES</u>					
<u>SCHMIDT</u>	<u>X</u>				
<u>SCHOMBURG</u>	<u>X</u>				
<u>STIER</u>				<u>X</u>	
<u>TALARICO</u>	<u>X</u>				

DATE: 8-24-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. 9-22-82 on the 24th day of August, 1982.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 25th day of August 1982, at the hour of 3 o'clock P.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

BILL NO. G-82-08-12

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN  
ORDINANCE amending Chapter 24 of the Code of the City of Fort Wayne,  
Indiana, of 1974

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

PAUL M. BURNS - CHAIRMAN

MARK E. GIAQUINTA - VICE CHAIRMAN

JAMES S. STIER

JANET G. BRADBURY

ROY J. SCHOMBURG

8-24-82 CONCURRED IN  
DATE CHARLES W. WESTERMAN, CITY CLERK